IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1017 (MS) OF 2006

Saurabh Kumar, minor,
S/o Sri Rishi Pal Singh,
Through his next friend and natural
Guardian Sri Rishi Pal Singh, father,
S/o Sri Sher Singh,
R/o Near Taron Wali Jiyarat,
Mohalla Chau Ki Basti, Linepar,
Town and District Moradabad. .....Petitioner.

Versus

Central Board of Secondary Education,
35-B, Civil Station, M.G. Marg,
Civil Lines, Allahabad. .....Respondents.

Dated: 03.08.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Sudhir Kumar, Advocate for the petitioner and Sri Gopal Narain, Advocate for the respondent.

By the present writ petition the petitioner has prayed for a writ of mandamus commanding the respondents to scrutinize and verify the marks of the English subject of the petitioner.

Briefly stated the petitioner has appeared in Class X examination and the result of the same was declared on 27th May, 2006.

The petitioner has submitted that he was sent marksheet on 10th June, 2006 by post by the School which was received by the petitioner on 15.06.2006.

Being not satisfied with the marks obtained in the examination, the petitioner applied for scrutiny on 17.06.2006 for English subject, but the application for same was rejected

The grievance of the petitioner is that the rejection of the application for scrutiny made on the ground that the same was not applied within 21 days from the publication of the result, is wholly illegal inasmuch as the petitioner applied only within 21 days of the marksheet, which has been received by the petitioner and as such the application of the petitioner was not time barred. Assuming that the result has been declared, the marksheet cannot be made available immediately thereafter, and after receiving the marksheet, the petitioner has applied for scrutiny without any delay.

However, the petitioner is permitted to file a fresh representation stating therein the aforesaid facts and the same shall be considered by the respondents in accordance with law within a period of ten days thereafter.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

03.08.2006
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